

*Agriculture
& Society
in Early
Maryland* **ROBERT
COLE'S
World**

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LOIS GREEN CARR

RUSSELL R. MENARD

LORENA S. WALSH

Appendix 1

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Transcripts of Robert Cole's Will and the Cole Plantation Account

Robert Cole's will and the Cole Plantation Account are recorded in the Testamentary Proceedings of the Maryland Prerogative Court, located in the Maryland State Archives, Annapolis, Maryland. The original documents do not survive. In 1663 the will was recorded in Testamentary Proceedings 1(D): 118–22. In 1725 it was copied into Wills 1:182–86, with slightly different spelling, punctuation, and capitalization. We have printed here the earlier recordation. The Cole Plantation Account, really a guardian account, was recorded on Tuesday, March 3, 1673, in Testamentary Proceedings 6:118–47. Since the clerk used old-style dating, in which the new year began on March 25, the year in our terms was 1674. Throughout the will and account, dates between January 1 and March 25 are old-style.

We have followed the original spelling and capitalization with the following adaptations: (1) we have written *th* instead of *y* for the thorn (for instance, *the* instead of *ye*), and (2) given that *u* and *v*, and *j* and *i*, were interchangeable letters in the seventeenth century, we have followed modern usage in spelling words that contain them. Most abbreviations are expanded. However, we retained the ampersand, the abbreviation *lb.*, and abbreviations of titles, such as *Mr.* Where words were crossed out in the original record, we have printed the word with a line through it. A handful of words are illegible. To indicate these, we have printed [*illegible*]. Page numbers from the documents are in brackets and are inserted in the text where pages changed.

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Robert Cole's Will, 1662

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In the name of God amen the Second day of Aprill in the yeare of Our Lord 1662 I Robert Cole of St Clements Bay in the Province of Maryland Yeaman being in Good health and perfect memory praise bee Given to God for the Same and being desirous to settle thinges doe make this my last will & testament in manner and forme following.

That is to say, first and principally I comend my Soule to Almighty God my Creator and my Body to the Earth from whence it was taken and touching such worldly Estate as the lord in mercy hath lent my will and meaning is the same shall be imployed and bestowed as hereafter by this my will is Expressed, and first I doe revoke renounce frustrate and make voyd all wills by mee formerly made and declare & appointe this my Last will and Testament after my death Certainly knowne.

1. Item I give and bequeath to my honored friend Mr Francis Fitzherbert or his Successor the best hogshead of tobaccoe of my Crop and the best Steere of my Stock in Testimony that I dye a Roman Cathelicke and desire the prayers of the holy Church.

2. Item I give and bequeath unto my Loving Sonn in Law Francis Knott the eighth part of all my Cattle when hee doth attaine the age of eighteen yeares but in Case he should dye before that time then my will is that his Sister Ann Harinton shall have one halfe of the Eighth part and my owne Children the other halfe but in Case Ann Harinton be dead before Francis come to that age and Leave no issue that then my Children shall have the whole gift equally amongst them.

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3. Item I give and bequeath unto my sonn Robert Cole my Daughter Mary Cole my sonn William Cole my sonn Edward my daughter Elizabeth Cole all the rest of my Cattle to bee equally shared amongst them as each of them to the age of Eighteene yeares that is to say when my Sonn Robert comes to that age hee shall the fift part of my Cattle taken from the rest and knowne to bee his and so forth till the two youngest com to the same age as aforesaid.

4. Item I give and bequeath to my Daughter Mary Cole One Feather bed Boulster pillowes Blanckitt Red rugg and One paire of my best sheets, and my Spice mortar and pessell, and one Iron pott and my Copper kitle and One smoothing Iron.

5. Item I give and bequeath Elizabeth Cole my best Flock bed and Bolster greene rugg one blanckitt. One pair of sheets one Iron pott Six napkins one diaper table Cloath & one Smoothing Iron.

6. Item I give and bequeath unto my sonn Robert Cole to him & his heires for ever my plantation I now live on and all the land and howses belonging to it with the Orchard, hee the said Robert paying unto his Brother William and his Brother Edward the halfe of all the benefitt of the Orchard for the space of Seaven yeares as aforesaid.

7. Item my will is that my foresaid Children have such Education in learning as to write and read and Cast accompt I meane my three sonns my two daughters to learne to read and sowe with their needle, and all of them to bee kept from Idleness but not to bee kept as Common servants and that the learning soe bestowed on my Children bee out of my whole Estate before they doe Come to the age aforesaid and after such learning so bestowed that such Care bee taken of my Children that they may not forgett their learning before they doe Come to the age as aforesaid.

8. Item my will is that my servants may bee employed for the most benefitt and good of my Children, and when or as they bee Free such or soe many others may bee put in their roomes to serve my Children Joyntly.

9. Item my will is that my Executors hereafter named have such power by this present writinge of this my will as to sell or dispose of any part of my Estate for the good of my Children in Generall.

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And my will is that my Stock of Cattle never exceed the number of fifty, One whole yeare together but they may bee sold either alive or dead for the use of my Children as aforesaid, but not soe sold as to Scant Either my Children or servants of necessary and holsom provisione for their health & strength.

10. Item I give and bequeath to my sonn in law Francis Knott the rights of 50 acres of land as they doe stand upon the Record whereas I had a

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warrant to survey fower hundred acres and I did Survey but 350, the which survey I did assigne to John Wheeler.

11. Item I give & bequeath unto my three sonns, Robert William & Edward Cole the rights of 600 acres of Land equally amongst them whereof I have a warrant of 450 acres amongst my papers, since that warrant was granted I have rights for John Elton, Sibelo Jackson, & Isabella Joanes for their transportations.

12. Item I give and bequeath all the Estate whatsoever bee it Land howses or mony that doth any wayes belong to mee in England or of right should belong to mee unto my Children in Generall after the death of my Loving mother Mrs Jone Cole of heston in the County of Middlesex but in Case my Mother should bee necessitated & empoverished then my will is that my Mother have sent to her a Competent yearely and every yeare a reasonable Sustenance out of my Estate during her naturall life. My will is also that if any of my Children doth dye before the age aforesaid or under the age of twenty one yeares without issue that then such a part as did belong to such an one shall bee equally divided amongst them that are living. My will is also that if any of my Children dye without issue that then it shall not bee in their powers to give to any other then their Brothers or sisters more then one fowrth part of such goods or Chattles given by mee to them as they shall be possessed of at the day of their death.

13. Item I give all the rest of my Estate as hoggs bedding pewter potts kittles spoones tubbs payles trayes bottles Juggs rundletts tables Chaires Stooles Linnin and woollen pottry and all other Goods that doth belong to mee or may hereafter belong to mee unto my 3 sonns Robert William and Edward

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Together with my Gunns powder and shott reserving onely two sowes and a Barrow of two yeares old for my son in Law Francis Knott if hee doth live to the age aforesaid if hee should dye before that age then all to my three sonns aforesaid or to those that do survive the rest that are departed this life.

14. Item My will is and I doe by these presents Constitute and appointe my loving friendes Collonell William Evans and Captain Luke Gardner

both of St. Clements Bay, and my loving Couzin Mr. Henry hanckes of holborne in the City of london to bee my Executors and or overseers or any two of them in this Country and in England any one of them to Execute this my last will giveing them power and Authority over all my Children and theire Estates tell they doe attaine the age of twenty and One yeares as allso power over all the premises aforesaid, as allso power and authority to make and appointe one or more Overseers after theire death for the fullfilling of this my will, giving to them all a strict Charge that my Children bee brought and taught in the Roman Catholique Religion, as they shall the Contrary att the dreadfull day of Judgment. In testimony that is my last will and Testament I doe hereunto sett my hand and seale the day and yeare above written with five enterlines which bee these, Brother, my, will, wright, or sisters.

Robert Cole
Locus Sigille

Witnessed by us and signed
and sealed before us
Justice & Coram
Thomas Brooke
James Thompson Clarke
Edward Clarke

The power that is given to my Executors is Joyntly and after the death of any one of them then my will is that the other may Act by himselfe or Chose one to him to assist himme if the departed hath not appointed one in his steed before his death but my Couzin Hanckes is to act in England by himselfe or with advice as wittnes my hand

Robert Cole

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My sonn Robert Cole was borne 15th October 1652. My Daughter Mary Cole was borne the 26th January 1653. My son william Cole was borne the 23d June 1655. My son Edward Cole was borne 9th November 1657. My daughter Elizabeth Cole was borne 2d March 1659. Francis Knott is 3 yeares older then my sonn Robert Cole is, as wittnes my hand this 25th of Aprill 1662 Robert Cole

My meaning is that my Children shall know theire porcons att 18 yeares old but not have absolute possession till they bee 21 yeares of age unless my Daughter bee married to an honest Catholique then att 18 yeares.

Robert Cole

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September 8th 1663

James Thompson Gentn sayth uppon Oathe that being att Newtowne Robert Cole requested hime to sett his hand to this paper telling hime withall that it was his will (hee the said Cole being then bound for England) and it was signed and sealed in this deponants presence by the said Robert Cole and hee knoweth of no other will that ever Robert Cole made

James Thompsone

Sworn before me

Wm Bretton

September 16th 1663

Thomas Brooke Gentn sayth uppon Oath that hee signed this will as a wittness and that it was Robert Coles Act and deed and that hee knoweth of no other will made by the said Robert Cole

Thomas Brooke

Sworne before mee

Henry Sewall Secretary

The Cole Plantation Account:
Luke Gardiner's Guardian Account
for the Cole Estate, 1662–1673

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Die Martis Martij 3: 1673.

Whereas Luke Gardner the sole Surviveing Executor of Robert Cole late of St. Clements Bay in the County of St. Maries deceased, att the request of Robert Cole Sonn and heire of the Said Deceased,¹ & Ignatious Warren² who married Mary the daughter of the Said Deceased was Cited to this Court to Render an Account of his Executorshipp, whereuppon the Said Luke 17: Octobris 1673 appeared and in presence of the Said Cole and Warren³ delivered in his account of and concerning the Execution of the Said Last will and Testament in writeing Signed with his hand of which account the Said Robert Cole the heire & the Said Ignatious Warren prayed Coppies and time till the tenth of November then next Following to make their Exceptions to the said account which was then Accordingly granted, att which Said tenth day of November appeared as